

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN B. FREITAS,
Plaintiff,

v.

NOEL WISE, et al.,
Defendants.

Case No. 21-cv-08176-JD

ORDER

In a prior order, the Court granted IFP status to pro se plaintiff Freitas, and dismissed the complaint under 28 U.S.C. § 1915, with leave to amend. Dkt. No. 11. Freitas filed an amended complaint, which runs to over 600 pages with attachments. Dkt. No. 12. To the limited extent that the amended complaint is comprehensible, it repeats the same allegations under 42 U.S.C. § 1983 against a California Superior Court judge, Alameda County, and the State of California, that were dismissed in the prior order. Consequently, Counts I through IV of the amended complaint are dismissed with prejudice.

The RICO claim in Count V under 18 U.S.C. § 1962 is also dismissed. A plausible civil RICO claim must satisfy the heightened pleading standards of Federal Rule of Civil Procedure 9(b) and a variety of specific pleading allegations under the statute with respect to the alleged criminal enterprise, predicate acts, injury, and causation. *See Edwards v. Marin Park, Inc.*, 356 F.3d 1058, 1065-66 (9th Cir. 2004); *Schreiber Distrib. Co. v. Serv-Well Furniture Co.*, 806 F.2d 1393, 1400-01 (9th Cir. 1986); *United Bhd. of Carpenters & Joiners of Am. v. Bldg. & Const. Trades Dep't, AFL-CIO*, 770 F.3d 834, 837 (9th Cir. 2014) (stating elements of a civil RICO claim). The amended complaint does not come close to alleging a cognizable RICO claim against defendants. Because further amendment is highly unlikely to result in a plausible RICO claim,

Count V is dismissed with prejudice.

The request for judicial notice, Dkt. No. 13, is denied. The case is closed, and no further filings will be accepted without the Court's prior approval.

IT IS SO ORDERED.

Dated: August 11, 2022



JAMES DONATO
United States District Judge

United States District Court
Northern District of California